

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF WASHINGTON**

PATRICK VAN HORN,

Plaintiff,

v.

DETECTIVE ERIC MOORE, a City of Kent police officer, in his individual and official capacity and JANE DOE MOORE and the marital community comprised thereof; TY HONDA, a City of Kent police officer, in her individual and official capacity and JOHN DOE HONDA and the marital community comprised thereof; COMMANDER ROB SCHOLL, a City of Kent police officer, in his individual and official capacity and JANE DOE SCHOLL and the marital community comprised thereof; SERGEANT J. THOMPSON, a City of Kent police officer, in his individual and official capacity and JANE DOE THOMPSON and the marital community comprised thereof; CHIEF OF POLICE KEN THOMAS, in his individual and official capacity and JANE DOE THOMAS and the marital community comprised thereof; and the CITY of KENT, a municipal corporation,

Defendants.

No. 2:18-cv-1469

COMPLAINT

With Jury Demand

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COMES NOW the plaintiff, Patrick Van Horn, through his attorneys of record, Kannin Law Firm P.S., and hereby presents the following claims:

JURISDICTION

1.

Jurisdiction is founded upon the existence of a federal question.

2.

This is an action to redress the deprivation under color of statute, ordinance, regulation, custom or usage of rights, privileges, and immunities secured to the plaintiff by the First, Fourth, and Fourteenth Amendments to the Constitution of the United States (42 U.S.C. § 1983).

3.

Jurisdiction is founded upon 28 U.S.C. § 1331 and § 1343(3) and (4).

4.

Venue is proper in the United States District Court of the Western District of Washington because the acts or omissions which form the basis of the Plaintiff's claims occurred in the City of Kent, Washington and the defendants reside in Washington State

5.

At all times relevant to this complaint, Plaintiff was an individual residing in the City of Kent, Washington.

6.

At all times referred to herein, Defendant KEN THOMAS, City of Kent Chief of Police was employed by Defendant City of Kent and its Police Department as the Chief of Police of the City of Kent and is believed to have been the supervising and commanding officer of Defendant

1 COMMANDER ROB SCHOLL, City of Kent Police Officer, Defendant EDWARD MOORE,
2 City of Kent police detective; Defendant TY HONDA, City of Kent police officer, and J.
3 THOMPSON, City of Kent police officer supervising Sergeant.

4 7.

5 At all times referred to herein, Defendant police officer ROB SCHOLL, was employed
6 by City of Kent and its Police Department as a police commander and is believed to have been
7 one of the supervising and commanding officers of Defendant MOORE, City of Kent police
8 detective off duty working at the Scorpions Concert and Defendant TY HONDA, City of Kent
9 police officer off duty working at the Scorpions Concert, and Sergeant J. THOMPSON, City of
10 Kent police officer who further approved of the off-duty Kent police officers' use of force at the
11 Scorpions concert.

12 8.

13 At all times referred to herein, Defendants EDWARD MOORE, TY HONDA, and
14 SERGEANT J. THOMPSON were employed by the City of Kent and its Police Department as
15 police officers.

16 9.

17 Plaintiff sues all individual defendant officers in their individual capacities and sues the
18 supervisory/municipal defendants KEN THOMAS, ROB SCHOLL and J. THOMPSON in their
19 individual and official capacities. At all times relevant to this complaint the defendants were
20 acting within the scope of their employment for defendant City of Kent and along with defendant
21 municipal corporation City of Kent were acting under color of law.

22
23 **FACTS**

24 10.

25 On October 9, 2015, during the early evening, Plaintiff Patrick Van Horn was at the City
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1 of Kent's ShoWare Center arena watching a rock and roll music concert.

2 11.

3 During the concert as the band was playing on the stage, Defendant City of Kent
4 employees, it's police officers, Defendants Moore and Honda, came into the arena and entered
5 the row where Plaintiff Van Horn, his friends, and others were watching the Scorpions in concert
6 playing music at the defendant City of Kent's ShowWare arena.

7 12.

8 Defendants Moore and Honda used force to remove Plaintiff Van Horn from his seat in
9 section 102 at the concert hall without warning Plaintiff Van Horn they were about to use
10 physical force against him. The Defendants further failed to and did not tell plaintiff Van Horn
11 why they were removing him from his seat at the Scorpions concert. Defendant Moore came up
12 plaintiff Van Horn, grabbed plaintiff Van Horn's arm and spun Van Horn around and pulled Van
13 Horn's arm behind his back. Defendant Moore did not tell plaintiff Van Horn why he grabbed
14 the plaintiff. Defendant Moore pulled Van Horn causing Plaintiff Van Horn to fall into/onto
15 defendant Moore.

16 13.

17 Without warning defendant Honda aimed her Taser weapon at Plaintiff Van Horn and
18 shot Plaintiff Van Horn with her Taser weapon. A barbed dart from defendant Honda's Taser
19 weapon hit plaintiff Van Horn and embedded itself into plaintiff Van Horn's stomach. Another
20 barbed dart from defendant Honda's Taser weapon missed plaintiff Van Horn and sailed off into
21 the crowd at the ShowWare arena. When defendant Honda shot Van Horn with her Taser
22 weapon Van Horn was next to his seat near defendant Moore, inside the Kent defendant's
23 concert hall, and the band was playing onstage. At some point during this interaction defendant
24 Moore further used what he described as a knee strike to cause plaintiff Van Horn to fall down.
25 Plaintiff Van Horn fell onto the seats in front of him. The physical force Defendant Moore used

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1 against Plaintiff Van Horn to accomplish his removal action was excessive and unnecessary.

2
3 14.

4 The physical force Defendants Moore and Honda used against Plaintiff Van Horn to
5 accomplish their removal action from the concert was excessive and unnecessary. Plaintiff Van
6 Horn describes feeling intense pain in his right shoulder when defendant Moore first used force
7 to pull Plaintiff Van Horn away from his seat and further pulled Van Horn's arms behind his
8 back.

9 15.

10 The defendants forced Van Horn's arms behind his back and handcuffed him as he was
11 on the floor of concert hall in the row just in front of his seat. Plaintiff Van Horn describes
12 feeling intense pain in his right shoulder when defendant Moore and Honda used force to pull
13 Plaintiff Van's arms behind his back.

14 16.

15 Van Horn told the defendants Moore and Honda that he was injured. The defendants
16 Moore and Honda disregarded what Van Horn told them. After handcuffing Van Horn, the
17 defendants lifted/held Plaintiff Van Horn up by his arms and removed him from the row where
18 he had been watching the concert with his friends. Van Horn's friends saw him taken into police
19 custody in handcuffs. Plaintiff Van Horn reported being in extreme pain.

20
21 17.

22 The defendants Moore and Honda took Van Horn outside of the concert arena in
23 handcuffs. Next the defendants Moore and Honda caused plaintiff Van Horn to be handcuffed
24 and leg cuffed, his legs and wrists restrained. One of the ShoWare arena's security staff reported
25 that he saw Van Horn was hog tied, outside of the ShoWare arena on the sidewalk. After the

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1 defendants hogtied Van Horn as described by the ShoWare security staff the defendants left Van
2 Horn in front of the ShoWare Center concert arena. Plaintiff Van Horn was in extreme pain
3 outside restrained in four-point restraints, wrist and ankle cuffs, what the ShoWare
4 agent/contractor who witnessed described as hog tied. Plaintiff Van Horn struggled to move/roll
5 himself so to relieve pressure on his injured right shoulder. People leaving the concert arena
6 through the doors to the parking lot are believed to have seen Plaintiff Van Horn restrained in
7 this four-point hogtied fashion in front of the ShoWare Center.

8 18.

9 Next the Kent defendants caused the injured Plaintiff Van Horn to be loaded into a City
10 of Kent vehicle, took him to jail and caused Plaintiff Van Horn to be booked into the City of
11 Kent jail. Plaintiff reports being in extreme pain. Plaintiff had not committed a crime.

12 19.

13 Plaintiff Van Horn paid bail money to get out of jail that night. Upon getting out of jail
14 Plaintiff Van Horn went to an emergency medical care clinic. Doctors and staff at the emergency
15 medical clinic examined Van Horn's injured shoulder and had to surgically remove Defendant
16 Honda's taser dart from plaintiff Van Horn's stomach.

17 20.

18 Based on defendant Moore's and Honda's reports, and the defendant supervising officers'
19 review and approval of defendants' Moore's and Honda's reports, the City of Kent charged
20 plaintiff Van Horn with crimes that he did not commit.

21 21.

22 The defendants filed police reports that caused the defendant City of Kent to charge
23 plaintiff Van Horn with the gross misdemeanor crimes of assault in the fourth degree and
24 obstructing a police officer. Plaintiff Van Horn engaged legal counsel to defend against the
25 City's false criminal charges. Plaintiff Van Horn incurred attorneys' fees and costs in his defense

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1 to the City's false criminal charges. After a year and four months of having the City's criminal
2 case of assault by spilling or pouring 200 milliliters of beer, pending against him, on February
3 15th, 2017 a jury found plaintiff Van Horn not guilty and acquitted him.

4 22.

5 The Defendant city of Kent's employees caused plaintiff Van Horn to suffer a severe and
6 disabling injury to his right shoulder. As a direct and proximate result of the defendants' acts
7 and failures to act Plaintiff Van Horn underwent medical treatment that required the expenditure
8 of money and he incurred significant medical bills. The Defendants' re-injured Van Horn's right
9 shoulder to such an extent that he had to undergo a surgery to replace it and repair it. After the
10 January 2016 surgical operation plaintiff endured a painful period of recovery and physical
11 therapy. After the January 2016 surgery Plaintiff's right shoulder is not what it was before the
12 October 9, 2015 police assault. Plaintiff Van Horn has lost a significant range of motion, lost
13 strength and lost stability in his right shoulder joint as a direct result of the Defendant City of
14 Kent's employees, the defendants' acts and failures to act. The physical losses and impairments
15 are permanent. Plaintiff Van Horn expects to incur future medical expenses that would not have
16 been necessary but for the Kent defendants' acts and failures to act.

17 23.

18 As a direct and proximate result of the defendants' acts and failures to act Plaintiff Van
19 Horn could not work and lost wages.

20 24.

21 As a direct and proximate result of the defendants' acts and failures to act. Plaintiff Van
22 Horn was publicly embarrassed and humiliated in front of his friends. He experienced pain when
23 the City of Kent defendants caused him to suffer serious bodily injuries. He further experienced
24 pain and suffering when he underwent medical treatment for the disabling and disfiguring
25 injuries that have left him permanently, partially disabled all caused by the defendants' acts and

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1 failures to act. Plaintiff Van Horn also suffered a loss of enjoyment of his own life.

2 25.

3 Plaintiff Van Horn also had to pay attorney's fees and costs to defend against the City of
4 Kent's criminal charges that he would not have had to pay but for the defendant City of Kent's
5 employees acts and failures to act.

6
7 26.

8 On October 9, 2015, and days subsequent defendant Thomas was the chief of police at
9 the Kent Police Department and as the chief officer was the City of Kent supervising employee
10 of defendants Honda, Moore, Thompson and Scholl. Defendant Commander Scholl and
11 defendant Sergeant Thompson were also Defendant City of Kent supervising employee of
12 defendants Honda and Moore. Defendant Thomas the Chief of police was the City of Kent
13 employee responsible for training and supervising defendants Honda and Moore, Thompson and
14 Scholl. Defendant Thomas was the City of Kent employee responsible for ensuring defendants
15 Honda, Moore, Thompson and Scholl were adequately and lawfully trained and supervised when
16 carrying out their duties on behalf of the defendant City of Kent.

17
18 27.

19 The City of Kent defendants Moore and Honda caused plaintiff Van Horn to suffer
20 injuries to his body that required the expenditure of money for medical care and treatment of his
21 injuries. The defendants' Moore and Honda excessive use of force caused plaintiff Van Horn to
22 suffer serious permanent disabling injuries to his person. plaintiff Van Horn underwent medical
23 treatment for his injuries. This included two surgeries, first to remove the defendants' Taser dart
24 from his stomach second to repair his injured right shoulder. Plaintiff Van Horn continues to
25 suffer from his injuries caused by the defendants. Plaintiff Van Horn anticipates additional

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1 medical treatment to be necessary in the future. Plaintiff Van Horn's injuries were and are
2 painful, permanent, disabling, and disfiguring.

3
4 28.

5 Defendant Chief Thomas is believed to be defendant municipal corporation City of
6 Kent's chief policy maker regarding implementing the City of Kent Police Department's use of
7 force policies, practices and customs and the police Department's management, control and
8 oversight policies. Defendant Chief Thomas is further believed to be defendant City of Kent's
9 representative who ultimately approved, and/or ratified the other defendants' use of force in this
10 case and who further approved, and/or ratified the other defendants Thompson and Schols's
11 approvals of the defendants Moore and Honda's use of force. Defendant Chief Thomas is further
12 believed to be defendant municipal corporation City of Kent's chief policy maker regarding
13 implementing the City of Kent Police Department's policies, practices and customs for
14 disciplining City of Kent employees for failing to act and follow the City of Kent Police
15 Department's policies and procedures. In determining and implementing the City of Kent Police
16 Department's policies and procedures, Defendant Chief Thomas is believed to rely upon the
17 assistance of, and policy making, development and implementation of other defendants one of
18 whom is City of Kent supervisory employees defendant Rob Scholl and another is defendant
19 Sergeant Thompson. Defendant Rob Scholl and defendant Sergeant Thompson further ratified
20 defendants' Moore and Honda's use of force against plaintiff Van Horn.
21

22
23 29.

24 The defendant City of Kent's policies for use of force, using less lethal weapons, the
25 reporting the use of force, disciplining officers for use of force, mission implementation, restraints

1 policy, disciplining officers, and other policies that are purportedly in place to manage and
2 control the City's police employees, are/were implemented such that the acts and failures to act
3 of the individuals defendant City of Kent's employees carrying out the City's policies are
4 not/were not reviewed, and/or policy violations do not result in discipline and or effective
5 review.

6 30.

7
8 As a direct and proximate result of the said acts of the City of Kent defendants the
9 plaintiff Patrick Van Horn suffered the following injuries and damages:

- 10 a. Violation of his constitutional rights under the First, Fourth, Sixth, Eighth, and
11 Fourteenth Amendments to the United States Constitution;
12 b. Physical pain and suffering requiring the expenditure of money for treatment;
13 c. Lost wages and income.
14 c. Economic and non-economic damages incurred and expected to be incurred, in an
15 amount to be established at trial.

16 31.

17 The actions of the defendants further violated the following clearly established and well-
18 settled federal constitutional rights of Patrick Van Horn:

- 19 a. Freedom from the use of excessive and unreasonable force
20 against his person that caused plaintiff's bodily injuries.
21 b. Freedom from the use of excessive, unreasonable and/or unjustified force
22 against his person after he was arrested and became a prisoner in the custody of
23 the defendants.
24 c. Denial of access to reasonable and necessary medical care and treatment after
25 plaintiff became a prisoner in the custody of the defendants.

- 1 d. Being taken into police custody and then held in custody without ever being
2 informed of the nature and cause of the government's accusation against him
3 that caused him to be held in custody.
- 4 e. Denial of his right to speak freely under the First amendment.
- 5 f. Denial of his right to due process of law and the right to equal protection of
6 laws.
- 7 g. Denial and/or unreasonable interference with his right to seek relief by way of
8 a civil action in State Court unfettered by government interference.
- 9

10 **FIRST CLAIM: UNDER 42 U.S.C § 1983 AGAINST DEFENDANTS CITY OF KENT**
11 **POLICE OFFICERS EDWARD MOORE & TY HONDA, IN THEIR INDIVIDUAL**
12 **CAPACITIES (EXCESSIVE FORCE)**

13 32.

14 Plaintiff re-alleges paragraphs 1 through 31 above.

15 33.

16 42 U.S.C. § 1983 provides in part:

17 Every person who, under color of any statute, ordinance, regulation, custom, or usage of
18 any State or Territory subjects, or causes to be subjected, any person of the United States or other
19 person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities
20 secured by the Constitution and laws shall be liable to the party injured in an action at law, suit at
21 equity or other proper proceeding for redress.

22

23 34.

24 Plaintiff Van Horn had a firmly established right under the Fourth Amendment
25 forbidding unlawful and unreasonable seizure and granting him the rights to be free from

1 physical abuse, excessive force, and the use of force to cause him to suffer bodily injuries as well
2 as a firmly established right to be free from excessive force being used against him to effect an
3 arrest, search or seizure.

4 35.

5 At all times material herein, defendants EDWARD MOORE, and TY HONDA, , acting
6 under color of state law, had a duty to refrain from depriving plaintiff Van Horn of his
7 constitutional rights. Defendants EDWARD MOORE, , and TY HONDA breached this
8 aforementioned duty to refrain from depriving plaintiff of his constitutional rights by using
9 unreasonably excessive force to arrest Van Horn, on October 9, 2015 and take him into police
10 custody which constituted a violation of plaintiff's clearly-established rights under the Fourth
11 and Fourteenth Amendments to the Constitution of the United States, forbidding unlawful and
12 unreasonable seizure.

13
14 36.

15 At the time they breached their duties to plaintiff defendants EDWARD MOORE, and
16 TY HONDA, acted under color of law and were employed by Defendant City of Kent.

17 37.

18 Plaintiff was subjected to physical injury, pain, and fear by the illegal acts of defendants
19 and claims damages, attorney fees, and punitive damages for the injuries set forth herein under
20 42 U.S.C. § 1983 against Defendants EDWARD MOORE, and TY HONDA, for violation of his
21 constitutional rights under color of law in an amount to be proven at trial.

22 38.

23 The conduct of the defendants was knowing, intentional, and malicious, by reason of
24 which plaintiff is entitled to punitive damages.

**SECOND CLAIM: UNDER 42 U.S.C § 1983 AGAINST DEFENDANTS CITY OF KENT
POLICE OFFICERS EDWARD MOORE, & TY HONDA, IN THEIR INDIVIDUAL
CAPACITIES FOR VIOLATION OF PLAINTIFF'S FOURTH, EIGHTH AND
FOURTEENTH AMENDMENT RIGHTS (IN CUSTODY CRUEL AND UNUSUAL
PUNISHMENT - DENIAL OF MEDICAL TREATMENT AT THE CITY OF KENT
JAIL)**

39.

Plaintiff re-alleges paragraphs 1 through 38 above.

40.

At all times material herein, defendants EDWARD MOORE, and TY HONDA, acting under color of state law, had a duty to refrain from depriving plaintiff Van Horn of his constitutional rights.

41.

Defendants EDWARD MOORE, and TY HONDA breached the aforementioned duty to refrain from depriving plaintiff of his constitutional rights by using unreasonably excessive force on Mr. Van Horn once he became a prisoner in their custody, which constituted a further violation of plaintiff's clearly-established rights under the Fourth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States, using unreasonable force to punish and/or further injure Van Horn, a person detained and arrested by the defendants and whom they caused to be imprisoned at the City of Kent Jail based upon the defendants' accusations against plaintiff, when he was imprisoned plaintiff's was injured, the defendants caused the plaintiff's injuries, neither defendant ever told plaintiff why he was put in jail and/or what he had done that caused him to be forcefully detained as he was watching a music concert, thus the defendants breached the aforementioned duty to refrain from depriving plaintiff of his constitutional rights by deliberately withholding necessary medical treatment from Mr. Van Horn, and failing to inform him of the nature and cause of the government's accusation, all which constituted a violation of plaintiff's clearly-established rights under the Fifth, Sixth, Eighth and Fourteenth

Amendments to the Constitution of the United States, to punish or injure prisoners at the City of Kent Jail.

42.

At the time they breached their duties to plaintiff defendants EDWARD MOORE, and TY HONDA, acted under color of law and were employed by Defendant City of Kent.

43.

Plaintiff Van Horn claims damages for the injuries set forth above under 42 U.S.C. § 1983 against Defendants EDWARD MOORE, and TY HONDA, for violation of his constitutional rights under color of law in an amount to be proven at trial.

44.

The conduct of the defendants was knowing, intentional, and malicious, by reason of which plaintiff is entitled to punitive damages.

**THIRD CLAIM: UNDER 42 U.S.C § 1983 AGAINST DEFENDANTS CITY OF KENT
DEFENDANTS THOMAS, HONDA, MOORE, SCHOLL and THOMPSON FOR
VIOLATION OF PLAINTIFF'S FIRST, FIFTH, SIXTH, EIGHTH AND FOURTEENTH
AMENDMENT RIGHTS**

45.

Plaintiff realleges paragraphs 1 through 44 above.

46.

At all times material herein, defendants City of Kent Officers Honda, Thomas, Thompson, Scholl and Moore, acting under color of state law, had a duty to refrain from depriving plaintiff Van Horn of his constitutional rights.

47.

At all times material herein, defendants City of Kent Officers Honda, Thomas, Thompson, Scholl and Moore, acting under color of state law, had a duty to refrain from depriving plaintiff Van Horn of his constitutional rights. Defendants breached the aforementioned duty by responding to plaintiff's meritorious claims for relief in State Court for injuries and harms caused by the defendants, based on independent witness fact finding, and based upon the defendants' reports, and statements, by deliberately and intentionally suing the plaintiff byway of a counterclaim lawsuit against the plaintiff, in which the defendants/counterclaim plaintiffs allege plaintiff Van Horn's State law torts lawsuit against these defendants and that plaintiff's claims therein were false and malicious, when in fact they were not and are not, and thereby the defendants, acting under color of law, used the power of their government offices, money from the City government treasury, and their official positions as Kent Police Department employees to actively and intentionally work to cancel, squash and deny plaintiff Van Horn access to the State's civil justice system, and deny plaintiff remedies in the State's Superior Court, and to thereby make plaintiff's potential remedies unnecessarily and unreasonably difficult to access, and to further attempt to silence the plaintiff's presentation of his claims in court, all of which constituted a violation of plaintiff's clearly-established rights under the First, Fifth, Sixth, and Fourteenth Amendments to the Constitution of the United States.

48.

At the time they breached their duties to plaintiff defendants City of Kent Officers Honda, Thomas, Thompson, Scholl and Moore acted under color of law and were employed by or were agents of Defendant City of Kent.

49.

1 Plaintiff Van Horn claims damages for the injuries set forth above under 42 U.S.C. §
2 1983 against defendants City of Kent Officers Honda, Thomas, Thompson, Scholl and Moore for
3 violation of his constitutional rights under color of law in an amount to be proven at trial.

4
5 50.

6 The conduct of the defendants was reckless and, or knowing, intentional, and malicious,
7 by reason of which plaintiff is entitled to punitive damages.

8
9 **FOURTH CLAIM: UNDER 42 U.S.C § 1983 AGAINST CITY OF KENT AND**
10 **DEFENDANTS KEN THOMAS, IN HIS CAPACITY AS CHIEF OF POLICE FOR THE**
11 **CITY OF KENT, AND ROB SCHOLL, AS POLICE COMMANDER FOR THE CITY OF**
12 **KENT FOR VIOLATIONS OF PLAINTIFF'S EIGHTH AND FOURTEENTH**
13 **AMENDMENT RIGHTS (UNCOMNSTITUTIONAL POLICY PRACTICE OR**
14 **CUSTOM) EXCESSIVE FORCE- DENIAL OF MEDICAL TREATMENT TO**
15 **PRISONER IN JAIL- SUING PLAINTIFF WHO QUESTIONS KENT POLICE**
16 **AUTHORITY)**

17
18 51.

19 Plaintiff realleges paragraphs 1 through 50 above.

20
21 52.

22 Prior to June 15, 2015, defendant Municipal Corporation City of Kent, by and through its
23 Chief policy makers defendants chief of police KEN THOMAS and commander ROB SCHOLL,
24 developed and maintained policies, practices, or customs, allowing the City's police officers to
25 use excessive and unreasonable force, not discipling the City's police officers to use excessive
26 and unreasonable force, tolerating exhibiting City's police officers to use excessive and
unreasonable force, tolerating exhibiting City's police officers deliberate indifference to the
constitutional rights of persons incarcerated in the City of Kent Jail, allowing the City's police

1 officers to use a civil lawsuit against plaintiff Van Horn and others who may or may have
2 complained of the City's employees aforementioned acts and failures to act, which caused the
3 violations of plaintiff Van Horn's rights.

4 53.

5 Defendant chief of police KEN THOMAS was employed by City of Kent and its Police
6 Department as the Chief of Police and is believed to have been the supervising and commanding
7 officer of Defendant Commander ROB SCHOLL. Commander ROB SCHOLL was employed by
8 City of Kent and its Police Department as the police commander and is believed to have been the
9 supervising and commanding officer of Defendants EDWARD MOORE, TY HONDA, and Sgt.
10 J. THOMPSON.

11 54.

12
13 At the time of the incident involving plaintiff Van Horn it is believed that it was the
14 policy, practice, or custom of City of Kent to fail to ensure adequate screening of police officer
15 candidates during the hiring process, or adequate training, supervision, and discipline of City of
16 Kent Police Officers. The County did not require appropriate in-service training or retraining of
17 officers who violated the plaintiff's aforementioned rights. The County did not require adequate
18 review and or screening of its officers' lawsuits against citizens who challenged the City's police
19 officers' authority such that a civil plaintiff whose meritorious claims were filed in the State
20 Superior Court could have his or her lawsuit challenged by the defendant City Kent employees
21 without review and/or approval by the supervising Chief defendant Thomas and/or other
22 defendant City of Kent policymakers. Defendant City of Kent did not require appropriate in-
23 service training or retraining of its employees/officers who were known to have engaged in
24 misconduct by using excessive force against citizens at liberty, denying medical treatment to jail
25

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1 prisoners, authorizing its police officers to bring lawsuits against citizens who challenged the
2 City's police officers' authority with civil lawsuits in the King County Superior Court, and these
3 silence and/or failures thereby ratified Defendant City of Kent employees' misconduct.
4 Defendant City of Kent further did not require appropriate in-service training or discipline for
5 officers who tolerated other officers denying medical treatment to sick or injured jail prisoners,
6 and/or who tolerated other officers using excessive force and/or unreasonable force against
7 citizens.

8 55.

9 Because of the above described policies, practices, and customs, City of Kent Police
10 officers, including the defendant officers named herein, believed that their actions or inactions
11 would not be properly monitored by supervisory officers and or by defendant City of Kent
12 supervisors and that the defendant officers' misconduct would not be investigated or sanctioned,
13 but would be tolerated and/or ratified by defendants KEN THOMAS, ROB SCHOLL, and CITY
14 OF KENT.
15

16 56.

17 The above described policies, practices, and customs of defendant City of Kent
18 demonstrated a deliberate indifference on the part of defendant City of Kent to the constitutional
19 rights of persons within the City Kent and were a cause of the City's police officer employees
20 the individual above named defendants' constitutional failures, to include excessive and
21 unreasonable force, failing to provide and/or denying medical treatment to the plaintiff when he
22 was a prisoner at the City of Kent jail actively, and by allowing the defendants School and
23 Thompson using the legal process to deny plaintiff Van Horn an opportunity to be fully and
24 fairly heard in State court with regard to his complaints for the defendants' wrong doing against
25

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1 him.

2 57.

3 Plaintiff Van Horn claims damages for the injuries set forth above under 42 U.S.C. §
4 1983 against defendant City of Kent for violation of his constitutional rights under color of law
5 in an amount to be proven at trial.

6 **JURY DEMAND**

7 The plaintiff respectfully requests trial by jury.


8 **RELIEF REQUESTED**

9
10 WHEREFORE, the plaintiff prays for judgment in an amount to be established at trial,
11 including:

- 12 a. Economic damages to plaintiff against the defendants jointly and severally;
13 b. Non-economic damages to plaintiff against the defendants jointly and severally;
14 c. Reasonable attorney's fees and costs to the plaintiff under 42 U.S.C. § 1988;
15 d. Punitive damages; and
16 e. Such other relief as this court may deem equitable.

17
18 DATED this 5th day of October, 2018.

19 KANNIN LAW FIRM P.S.

20
21 By: 
22 John Kannin, WSBA #27315
23 Attorney for Plaintiff
24
25
26